



12-8-04

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PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/720,252-Conf. #5869
	Filing Date	April 12, 2001
	First Named Inventor	Regine Heilbronn
	Art Unit	1636
	Examiner Name	Gerald G. Leffers, Jr.
Total Number of Pages in This Submission	Attorney Docket Number	60977(50189)

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
<b>Remarks</b>		

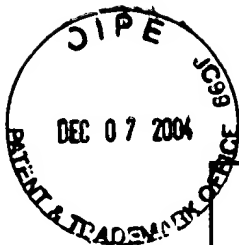
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	EDWARDS & ANGELL, LLP		
Signature	<i>Barbara S. Kitchell</i>		
Printed name	Barbara S. Kitchell		
Date	December 7, 2004	Reg. No.	33,928

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Dated: December 7, 2004

Signature: *Lori Giuffrida* (Lori Giuffrida)



PTO/SB/17 (10-04v2)

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00

**Complete if Known**

Application Number	09/720,252-Conf. #5869
Filing Date	April 12, 2001
First Named Inventor	Regine Heilbronn
Examiner Name	Gerald G. Leffers, Jr.
Art Unit	1636
Attorney Docket No.	60977(50189)

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

Deposit Account:

Deposit Account Number

04-1105

Deposit Account Name

Edwards &amp; Angell, LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Extra Claims	Fee from below	Fee Paid
Total Claims	...	x	=
Independent Claims	...	x	=
Multiple Dependent		=	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	Barbara S. Kitchell	Registration No. (Attorney/Agent)	33,928	Telephone	(203) 353-6848
Signature		Date	December 7, 2004		

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Dated: December 7, 2004

Signature:

  
(Lori Giuffrida)



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Dated: December 7, 2004

Signature: *[Signature]*

(Lori Stoffida)

Docket No.: 60977(50189)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Regine Heilbronn

Application No.: 09/720,252

Confirmation No.: 5869

Filed: April 12, 2001

Art Unit: 1636

For: RECOMBINANT HERPES VIRUSES FOR  
PREPARING RECOMBINANT ADENO-  
ASSOCIATED VIRUSES

Examiner: Gerald G. Leffers, Jr.

**INFORMATION DISCLOSURE STATEMENT (IDS)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

A copy of each reference on the PTO/SB/08 is attached.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other

material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Our check in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p) is enclosed. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 60977(50189).

Dated: December 7, 2004

Respectfully submitted,

By 

Barbara S. Kitchell

Registration No.: 33,928  
EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, Massachusetts 02205  
(203) 975-7505  
Attorney for Applicant



PTO/SB/08a/b (08-03)  
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Substitute for form 1449A/B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
		Application Number	09/720,252-Conf. #5869		
		Filing Date	April 12, 2001		
		First Named Inventor	Regine Heilbronn		
		Art Unit	1636		
		Examiner Name	Gerald G. Leffers, Jr.		
		Attorney Docket Number	60977(50189)		
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	BA	WO 95/06743	09.03.95	UAB Research Foundation	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	CA	CARTER, "Adeno-Associated Virus Vectors", Current Opinion in Biotechnology, 1992, 3: pp. 533-539	
	CB	MUZYCZKA, "Use of Adeno-Associated Virus as a General Transduction Vector for Mammalian Cells", Current Topics in Microbiology and Immunology, Vol. 158, 1992, pp. 97-129	
	CC	SAMULSKI, et al., "Helper-Free Stocks of Recombinant Adeno-Associated Viruses: Normal Integration Does Not Require Viral Gene Expression", Journal of Virology, Sept. 1989, Vol. 63, (9), pp. 3822-3828	
	CD	J. CONWAY, et al., "Recombinant Adeno-Associated Virus Type 2 Replication and Packaging Is Entirely Supported by a Herpes Simplex Virus Type 1 Amplicon Expressing Rep and Cap", Journal of Virology, Nov. 1997, Vol. 71 (11), pp. 8780-8789	
	CE	RIXON et al., "Insertion of DNA Sequences at a Unique Restriction Enzyme Site Engineered for Vector Purposes into the Genome of Herpes Simplex Virus Type I", Journal of General Virology 1990, Vol. 71, pp. 2931-39	
	CF	McGEOCH, et al., "DNA Sequence of the Herpes Simplex Virus Type 1 Gene Encoding glycoprotein gH, and Identification of Homologues in the Genomes of Varicella-Zoster Virus and Epstein-Barr Virus", Nucleic Acids Research, Vol. 14 (10), 1986, pp. 4281-4292	
	CG	WEINDLER, et al., "A Subset of Herpes Simplex Virus Replication Genes Provides Helper Functions for Productive Adeno-Associated Virus Replication", Journal of Virology, May 1991, Vol. 65, (5), pp. 2476-2483	
	CH	GOSSEN and BUJARD, "Tight Control of Gene Expression in Mammalian Cells By Tetracycline-Responsive Promoters", Proc. Natl. Acad. Sci USA (1992), Vol. 89, pp. 5547-5551	
	CI	NO, et al., "Ecdysone-Inducible Gene Expression in Mammalian Cells and Transgenic Mice", Proc. Natl. Acad. Sci. USA, 1996, Vol. 93, pp. 3346-3351	
	CJ	STOKER, et al., "Syrian Hamster Fibroblast Cell Line BHK21 and Its Derivatives", Nature 203, 1964, No. 4952, pp. 1355-1357	
	CK	SAMULSKI, et al., "A Recombinant Plasmid from Which an Infectious Adeno-Associated Virus Genome Can Be Excised in Vitro and Its Use to Study Viral Replication", Journal of Virology, 1987, Vol. 61 (10), pp. 3096-3101	

Examiner Signature		Date Considered	
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<b>Substitute for form 1449A/B/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	09/720,252-Conf. #5869
				Filing Date	April 12, 2001
				First Named Inventor	Regine Heilbronn
				Art Unit	1636
				Examiner Name	Gerald G. Leffers, Jr.
Sheet	2	of	1	Attorney Docket Number	60977(50189)

CL	LAEMMLI, "Cleavage of Structural Proteins during the Assembly of the Head of Bacteriophage T4", Nature, 1970, Vol. 227, pp. 680-685	
CM	KLEINSCHMIDT, et al., "Sequence Elements of the Adeno-Associated Virus <i>rep</i> Gene Required for Suppression of Herpes-Simplex-Virus-Induced DNA Amplification", Virology 206 (1995), pp. 254-262	
CN	WISTUBA, et al., "Intermediates of Adeno-Associated Virus Type 2 Assembly: Identification of Soluble Complexes Containing Rep and Cap Proteins", Journal of Virology, 1995, Vol. 69 (9), pp. 5311-5319	
CO	WISTUBA, et al., "Subcellular Compartmentalization of Adeno-Associated Virus Type 2 Assembly", Journal of Virology, 1997, Vol. 71 (2), pp. 1341-1352	
CP	ZOLOTUKHIN, et al., A "Humanized" Green Fluorescent Protein cDNA Adapted for High-Level Expression in Mammalian Cells, Journal of Virology, 1996, Vol. 70 (7), pp. 4646-4654	
CQ	CHURCH, et al., Genomic Sequencing, Proc. Natl. Acad. Sci. USA, 1984, Biochemistry, Vol. 81, pp. 1991-1995	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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184957



Application No. (if known): 09/720,252

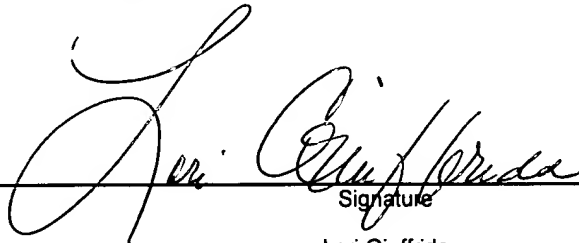
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Date



Signature

Lori Giuffrida

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Registration Number, if applicable

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IDS (Citation) by Applicant (18 References)